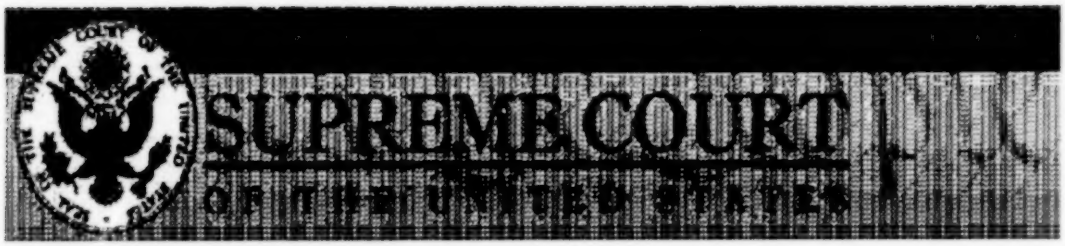

No. 22O126 ORG

Title: State of Kansas, Plaintiff
v.
State of Nebraska and State of Colorado

Docketed: May 26, 1998

Questions Presented

--- Date---	------- Proceedings and Orders----------
May 1 1998	As of June 1, 2011 documents filed with the Special Master are available at www.ca1.uscourts.gov/special_master/
May 26 199	Motion for leave to file a bill of complaint filed.
Jul 24 1998	Brief in opposition of Nebraska and request for oral argument filed.
Aug 3 1998	Waiver of State of Colorado to file response.
Aug 7 1998	Reply brief of Plaintiff Kansas filed.
Aug 12 1998	DISTRIBUTED for Conference of September 28, 1998 (p. 93).
Aug 20 1998	Motion of defendent Nebraska for leave to file sur-reply brief filed.
Sep 2 199	Response of plaintiff to motion for leave to file sur-reply filed.
Oct 5 1998	The Solicitor General is invited to file a brief in this case expressing the views of the United States.
Dec 18 1998	Brief amicus curiae of the United States filed.
Dec 18 1998	Lodging of the Solicitor General.
Dec 30 1998	DISTRIBUTED for Conference of January 15, 1999..
Jan 5 1999	Nebraska's reply to brief of the United States as amicus curiae filed.
Jan 19 1999	Motion for leave to file a bill of complaint is granted. Motion of Nebraska for leave to file a sur-reply brief is denied. Defendants are allowed 60 days within which to file an answer.
Mar 9 1999	Order extending time to file an answer to the bill of complaint extended until April19, 1999.
Mar 19 1999	Answer of the State of Colorado filed.
Apr 19 1999	Answer and counterclaim of Nebraska filed.
Apr 23 1999	Order extending time for Kansas to respond to Nebraska's answer and counterclaim until May 24, 1999.
May 14 1999	Colorado's Answer to Nebraska's Counterclaim filed.
May 21 1999	Motion of Kansas to strike Nebraska's counterclaim and motion for appointment of Special Master.
May 25 1999	DISTRIBUTED for Conference of June 10, 1999.
Jun 2 1999	Nebraska's brief in opposition to Kansas' motion to strike Nebraska's counterclaim and

	motion for appointment of a Special Master filed.
Jun 9 1999	Kansas' reply in support of motion to strike and motion for appointment of Special Master filed.
Jun 14 1999	REDISTRIBUTED for Conference of June 17, 1999.
Jun 21 1999	Motion to strike Nebraska's counterclaim is denied. Nebraska is granted leave to file a motion to dismiss, in the nature of a motion under Rule 12(b)(6), Federal Rules of Civil Procedure, limited to the question whether the Republican River Compact restricts a State's consumption of groundwater. If such a motion is filed, the parties shall then brief the legal issue. The motion and opening brief of Nebraska shall be filed on or before 45 days from the date of this order. Kansas' brief shall be filed within 30 days thereafter, after which Nebraska may promptly file a reply brief. Further consideration of the motion for appointment of Special Master is deferred.
Jul 21 1999	Kansas' Reply to Nebraska's Counterclaims filed.
Aug 2 1999	Motion of Nebraska to dismiss and brief in support thereof filed.
Aug 30 1999	Order extending time to file brief of respondent on the merits until September 10, 1999.
Aug 30 1999	This extension of time is granted to both Colorado and Kansas
Sep 8 1999	Order further extending time to file brief of respondent on the merits until September 17, 1999.
Sep 10 1999	Kansas' brief in opposition to Nebraska's motion to dismiss filed.
Sep 10 1999	Brief of the United States as amicus curiae in opposition to motion to dismiss filed.
Sep 17 1999	Colorado's response to Nebraska's Motion to Dismiss filed.
Sep 21 1999	Affidavit of Douglas R. Littlefield received from Kansas.
Sep 28 1999	DISTRIBUTED (Motion to dismiss and related responses). Oct. 15, 1999 Conference.
Sep 29 1999	Nebraska's brief in response to briefs of Kansas and United States in opposition to Nebraska's motion to dismiss filed.
Nov 1 1999	REDISTRIBUTED for Conference of November 5, 1999 (page 10).
Nov 8 1999	REDISTRIBUTED for Conference of November 12, 1999 (page 18).
Nov 15 1999	Hon. Vincent L. McKusick, Esquire, of Portland, Maine, appointed as Special Master. Motion of Nebraska to dismiss the complaint referred to the Special Master.
Nov 29 1999	Oath of Special Master filed.
Jan 28 2000	Report of the Special Master on Nebraska's Motion to Dismiss received.
Jan 28 2000	Transcript of Hearing on Motion to Dismiss received. (NP)
Feb 2 2000	DISTRIBUTED for Conference of February 18, 2000.
Feb 22 2000	First Report of the Special Master is received and ordered filed. Exceptions to the Report, with supporting briefs, may be filed by the parties within 45 days. Replies, if any, with supporting briefs, may be filed within 30 days.
Apr 6 2000	Exceptions of Nebraska to First Report of Special Master filed.
Apr 7 2000	Exception of Colorado filed.
Apr 25 2000	Order extending time to file reply to Exceptions to Report of Special Master extended until May 25, 2000.
May 24 2000	Order further extending time to file reply to Exceptions of Sepcial Master until June 1, 2000.
Jun 1 2000	Reply brief for Kansas filed.
Jun 1 2000	Brief for the United States as amicus curiae in opposition to Exceptions to First Report of the Special Master filed.

Jun 6 2000	DISTRIBUTED for Conference of June 22, 2000 (page 5).
Jun 26 2000	REDISTRIBUTED for Conference of June 28, 2000..
Jun 29 2000	Motion of Nebraska to dismiss DENIED, and case recomitted to the Special Master for further proceedings.
Jul 31 2000	Motion of Nebraska for leave to file first amended answer, counterclaim and cross-claim, and brief in support of motion filed.
Aug 2 2000	REDISTRIBUTED for Conference of September 25, 2000 (page 91).
Aug 4 2000	Motion of Special Master for allowance of fees and disbursements filed.
Aug 9 2000	DISTRIBUTED for Conference of September 25, 2000.
Oct 2 2000	Motion of Nebaska for leave to file first amended answer, counterclaim and cross-claim is referred to the Special Master. The motion of the Special Master for allowance of fee and disbursements is granted and the Special Master is awarded a total of $111,631.38 to be to be paid equally by Kansas, Nebraska, and Colorado.
Mar 13 2001	Motion of Special Master for allowance of fee and disbursements filed.
Mar 14 2001	Motion DISTRIBUTED for Conference of March 30, 2001 (page 4).
Apr 12 2001	Supplement to motion for fee and disbursements filed.
Apr 16 2001	Motion REDISTRIBUTED for Conference of April 20, 2001..
Apr 23 2001	Motion of the Special Master for allowance of fee and disbursements is granted, and the Special Master is awarded $152,563.19 for the period August 1, 2000, through February 28, 2001, to be paid evenly by Kansas, Nebraska and Colorado.
Nov 6 2001	Motion of Special Master for allowance of fee and disbursements for the period March 1, 2001 through October 31, 2001.
Nov 7 2001	Motion DISTRIBUTED for Conference of November 21, 2001.
Nov 26 2001	Motion of the Special Master for fees and disbursement of expenses is granted, and the Special Master is awarded a total of $179,064.66 for the period March 1, 2001, through October 31, 2001, to be paid equally by the three States.
Jul 11 2002	Motion of Special Master for allowance of fee and disbursements filed.
Jul 17 2002	Motion DISTRIBUTED for Conference of September 30, 2002.
Oct 7 2002	ORDER: Motion of the Special Master for fees and disbursement of expenses is granted, and the Special Master is awarded a total of $39.666.96 for the period November 1, 2001, through June 30, 2002, to be paid equally by the parties
Apr 16 2003	Second Report of the Special Master (Final Settlement Stipulation),and five volumes of Settlement Stipulation filed.
Apr 22 2003	Second Report DISTRIBUTED. May 15, 2003 (Page 4)
Apr 22 2003	Motion of Special Master for allowance of fee and disbursements covering the period July 1, 2002 through April 15, 2003. filed.
May 6 2003	DISTRIBUTED for Conference of May 22, 2003.
May 19 2003	Second Report of the Special Master is received and ordered filed. Decree is entered
May 27 2003	Motion of Special Master for allowance of fee and disbursements covering the period July 1, 2002 through April 15, 2003. GRANTED.
Sep 23 2003	Final Report of the Special Master with Certificate of Adoption of RRCA Groundwater Model filed.
Oct 1 2003	Motion DISTRIBUTED for Conference of October 17, 2003.
Oct 20 2003	The Final Report of the Special Master is received and ordered filed.
Oct 24 2003	Motion for allowance of fees and disbursements for the period April 16, 2003 through

	October 20, 2003 filed by Special Master.
Nov 5 2003	DISTRIBUTED for Conference of November 26, 2003.
Dec 1 2003	Motion for allowance of fees and disbursements for the period April 16, 2003 through October 20, 2003 GRANTED.
Dec 1 2003	Vincent McKusick, Esquire, of Portland, Maine, the Special Master in this case, is hereby discharged with the thanks of the Court
May 3 2010	Motion for Leave to File Petition, Petition and Brief in Support filed by Kansas
Jul 1 2010	Brief of respondent State of Nebraska in opposition filed.
Jul 6 2010	Brief of respondent State of Colorado in opposition filed.
Jul 20 2010	Reply of petitioner Kansas, Plaintiff filed.
Jul 28 2010	DISTRIBUTED for Conference of September 27, 2010.
Oct 4 2010	The Acting Solicitor General is invited to file a brief in this case expressing the views of the United States.
Feb 28 2011	Brief amicus curiae of United States filed.
Mar 16 2011	DISTRIBUTED for Conference of April 1, 2011..
Apr 4 2011	Motion for leave to file a petition is GRANTED.
Apr 4 2011	It is ordered that William J. Kayatta, Jr., Esquire, of Portland, Maine is appointed Special Master in this case with authority to fix the time and conditions for the filing of additional pleadings, to direct subsequent proceedings, to summon witnesses, to issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for. The Special Master is directed to submit Reports as he may deem appropriate. The compensation of the Special Master, the allowances to him, the compensation paid to his legal, technical, stenographic and clerical assistants, the cost of printing his Reports, and all other proper expenses, including travel expenses, shall be charged against and be borne by the parties in such proportion as the Court may hereafter direct.
Apr 5 2011	Documents filed with the Special Master can be located at www.pierceatwood.com/KansasversusNebraskaandColorado126Original
Jan 17 2012	Motion for allowance of fees and disbursements for the period April 4, 2011, through December 31, 2011, filed by Special Master.
Feb 1 2012	Motion DISTRIBUTED for Conference of February 17, 2012.
Feb 21 2012	Motion for allowance of fees and disbursements for the period April 4, 2011, through December 31, 2011, GRANTED, and the Special Master is awarded a total of $70,884.97 for the period April 4, 2011, through December 31, 2011, to be allocated among the states as follows: Kansas $28,353.99; Nebraska $28,353.99; and Colorado $14,176.99. .
Sep 20 2012	Motion for allowance of fees and disbursements for the period January 1, 2012, through August 23, 2012, filed by Special Master.
Sep 26 2012	Motion DISTRIBUTED for Conference of October 12, 2012.
Oct 15 2012	Motion for allowance of fees and disbursements for the period January 1, 2012, through August 23, 2012, GRANTED, and the Special Master is awarded a total of $288,229.61 for the period January 1, 2012, through August 23, 2012, to be allocated among the states as follows: Kansas $115,291.84; Nebraska $115,291.84; and Colorado $57,645.93. .
Mar 7 2013	Motion for allowance of fees and disbursements for the period August 24, 2012, through March 7, 2013. filed by Special Master.
Mar 20 2013	Motion DISTRIBUTED for Conference of April 12, 2013.

Apr 15 2013	Motion of the Special Master for allowance of fees and disbursements for the period August 24, 2012, through March 7, 2013. GRANTED, and the Special Master is awarded a total of $246,328.05 for the period August 24, 2012, through March 7, 2013, to be allocated among the states as follows: Kansas $98,531.22; Nebraska $98,531.22; and Colorado $49,265.61.
Nov 15 2013	Report of the Special Master submitted.
Nov 26 2013	DISTRIBUTED for Conference of December 13, 2013.
Dec 4 2013	DISTRIBUTED for Conference of January 10, 2014.
Jan 13 2014	The Report of the Special Master is received and ordered filed. Exceptions to the Report, with supporting briefs, may be filed within 45 days. Replies, if any, with supporting briefs, may be filed within 30 days. Sur-replies, if any, with supporting briefs, may be filed within 30 days.
Feb 27 2014	Exceptions by State of Kansas to the Report of the Special Master and Brief in Support of Exceptions
Feb 27 2014	Exception by Colorado to the Report of the Special Master and Brief in Support of Exception
Feb 27 2014	Exceptions by Nebraska to the Special Master's Report and Brief in Support
Mar 31 2014	Reply of petitioner State of Kansas, Plaintiff to Exceptions filed.
Mar 31 2014	Reply to Exceptions by Kansas of defendant State of Nebraska filed.
Mar 31 2014	Reply in oppositon to Kansas's exceptions of defendant State of Colorado filed.
Apr 7 2014	Brief amicus curiae of United States filed.
Apr 28 2014	Sur-Reply on Exceptions to Plaintiff's Response of defendant State of Nebraska filed.
Apr 30 2014	Sur-Reply of Defandant Colorado filed.
Apr 30 2014	Sur-Reply of Plaintiff Kansas filed.
May 6 2014	DISTRIBUTED for Conference of May 22, 2014.
May 27 2014	DISTRIBUTED for Conference of May 29, 2014.
Jun 2 2014	DISTRIBUTED for Conference of June 5, 2014.
Jun 9 2014	The Exceptions to the Report of the Special Master are set for oral argument in due course.
Jul 18 2014	SET FOR ARGUMENT ON Tuesday, October 14, 2014
Jul 31 2014	Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument filed.
Aug 7 2014	CIRCULATED.
Oct 2 2014	Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument GRANTED.
Oct 8 2014	Proposal from counsel for Kansas to lodge copies of the September 30, 2014 letter of the U.S. Dept. of Interior stating its position on Nebraska's efforts to comply with the Republican River Compact.
Oct 10 2014	Response to lodging proposal from the Solicitor General received.
Oct 14 2014	Argued. For plaintiff: Stephen R. McAllister, Solicitor General of Kansas, Topeka, Kan. For United States, as amicus curiae: Ann O'Connell, Assistant to the Solicitor General, Department of Justice, Washington, D. C. For defendants: David D. Cookson, Chief Deputy Attorney General, Lincoln, Neb.